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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,175	03/26/2004	Kenichi Furukawa	5854-32	7084
20575 7590 05/01/2007 MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER GUPTA, PARUL H	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/815,175	FURUKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Parul Gupta	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-7 are pending for examination as interpreted by the examiner. The amendment and arguments filed on 3/19/07 were considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6/1, 6/2, 6/3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe, US Patent 5,627,807.

Regarding claims 1-3 and 7, Abe discloses a method for adjusting a focus bias in an optical disc drive (abstract), comprising the steps of: rotationally driving an optical disc in a state that only focus servo is engaged without engaging tracking servo (column 5, lines 13-14); driving an actuator of an optical pick-up so that a laser beam projected from the optical pick-up is moved in a tracking direction, thereby intentionally creating a pseudo state resembling a state in which the tracking servo is being actually engaged so as to obtain an HF signal in such state (column 5, lines 13-28 explain how calculations are made regarding the possibility of tracking, even though the tracking servo is not engaged); and determining a focus bias by which a proper focusing point can be obtained based on the HF signal ("traverse level" as given in column 6, lines 41-50), wherein the driving of the actuator is carried out by supplying an actuator drive control signal to a tracking actuator of the optical pick-up (column 3, lines 43-46) in a

state that tracking servo is not engaged (still done in column 5, lines 13-14), and wherein the actuator drive control signal includes a signal which applies a drive voltage in the form of a pulse wave or a sinusoidal wave to the tracking actuator (definition of "signal" as given in column 3, lines 43-46).

Regarding claims 6/1, 6/2, and 6/3, Abe discloses an optical disc drive equipped with a circuit by which the method described in any one of claims 1 to 3 can be implemented (column 2, lines 50-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 6/4, and 6/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Park, US Patent 6,049,513.

Abe teaches the method of claim 1 but fails to teach the further limitations of claims 4 and 5.

Regarding claim 4, Park teaches the method for adjusting a focus bias in an optical disc drive as claimed in claim 1, wherein the focus bias value is determined based on a signal obtained by passing the HF signal into a peak/bottom holding circuit (column 5, lines 20-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of determining the focus bias as taught by Park into the system of Abe. The motivation would be to compare the HF signal

accurately (column 5, lines 31-33 and 46-49 of Park) and to ensure that proper calibration is performed regardless of variation (column 2, lines 51-53 of Park).

Regarding claim 5, Park teaches the method for adjusting a focus bias in an optical disc drive as claimed in claim 1, wherein the adjustment of the focus bias is carried out every time upon an optical disc is loaded into the optical disc drive ("characteristic variation" of column 2, lines 53-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of adjusting the focus bias every time upon an optical disc is loaded as taught by Park into the system of Abe. The motivation would be to optimally adjust the focus bias in response to the characteristics of the focus servo section, even when it varies as it does every time the disc is loaded (column 4, lines 20-30).

Regarding claims 6/4 and 6/5, Abe discloses an optical disc drive equipped with a circuit by which the method described in claims 4 or 5 can be implemented (column 2, lines 50-52).

### ***Response to Arguments***

4. Applicant's arguments with respect to all claims have been considered but are moot. Applicant contends that the features described are not taught by the references. However, the arguments are moot in view of the new grounds of rejection, necessitated by the amendment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 9:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG  
4/12/07

  
**WILLIAM KORZUCH**  
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